

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Edhadji Mbaye, and Modou Diop, *on behalf of
themselves and others similarly situated in the
proposed FLSA Collective Action,*

Case No.: 1:23-cv-02967-VSB

Plaintiffs,

Hon. Vernon S. Broderick

- against -

RCI Hospitality Holdings, Inc., Peregrine
Enterprises Inc. (d/b/a Rick's Cabaret New York),
RCI 33rd Ventures, Inc. (d/b/a Hoops Cabaret and
Sports Bar), 48 West 33rd Street Corp. (d/b/a
Hoops Cabaret and Sports Bar), RCI Dining
Services (37th Street), Inc. (d/b/a Vivid Cabaret),
Eric Langan, and Kes Senevi,

Defendants.

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**ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINING ORDER**

Upon the annexed Memorandum of Law, together with the affidavit of Modou Diop, (the "Diop Aff.") and the exhibit annexed thereto, and the declaration of Jason Mizrahi, Esq., (the "Mizrahi Decl.") and the exhibits annexed thereto, in Support of the Order to Show Cause of Plaintiff Modou Diop against the Defendants RCI Hospitality Holdings, Inc. ("RCIHH"), Peregrine Enterprises Inc. (d/b/a Rick's Cabaret New York), RCI 33rd Ventures, Inc. (d/b/a Hoops Cabaret and Sports Bar), 48 West 33rd Street Corp. (d/b/a Hoops Cabaret and Sports Bar), RCI Dining Services (37th Street), Inc. (d/b/a Vivid Cabaret) (collectively, the "Corporate Defendants"), Eric Langan, and Kes Senevi (collectively, the "Individual Defendants", and with the Corporate Defendants, the "Defendants"), in the above-captioned action, and all pleadings and proceedings heretofore had herein, it is hereby ORDERED that:

1. Defendants show cause before this Court, the Honorable Judge Vernon S. Broderick presiding, in Courtroom 518 of the United States District Court for the Southern District of New York, at the Courthouse located at 40 Foley Square New York, NY 10007, on _____, 2023, at _____ a.m./p.m., or as soon thereafter as counsel may be heard, why an order should not be entered, pursuant to Federal Rules of Civil Procedure 65 and 15(a)(2), and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief;

- (i) Enjoining and restraining Defendants, and their employees, agents, representatives, servants and all persons acting on their behalf from, *inter alia*: (x) implementing a pre-textual employment verification policy; (y) contacting or communicating with, or causing anyone else from contacting or communicating with, in any way, any local, state, or federal government official or agency, or any staff member of any government official or agency¹, with regard to Plaintiff Diop's immigration status; and (z) engaging in any further retaliation, in any form, against Plaintiff Diop (the "Motion for a Preliminary Injunction");
- (ii) Granting Plaintiffs leave to file a first amended complaint;
- (iii) together with such other and further relief as the Court deems just and proper.

¹ Including, *inter alia*, the Office of the United States Attorney General, the Department of Justice, the Office of any United States Attorney, the Office of the New York State Attorney General, the United States Department of Labor, the New York State Police, the United States Department of Homeland Security ("U.S. DHS"), the Office of the United States Citizenship and Immigration Services ("U.S. CIS"), the Office of the United States Customs and Border Protection ("U.S. CBP"), the Office of the United States Immigration and Customs Enforcement ("ICE"), the United States Department of State, and the New York City Police Department.

2. Let service of a copy of this Order to Show Cause, together with the papers upon which it is based, be accomplished by delivering these papers by overnight mail, email, and ECF to Defendants' counsel, Akerman LLP, by on or before _____, 2023, and that be deemed good and sufficient service.

3. Opposition papers, if any, from Defendants, must be electronically filed with the Court on or before _____, 2023.

Dated: New York, New York

_____, 2023

The Honorable Vernon S. Broderick
United States District Judge